

Senate Study Bill 1273

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL
BY CO=CHAIRPERSON SHULL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act authorizing a city to sell land gifted or dedicated to a
2 city for park purposes.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2793SC 81
5 eg/gg/14

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1 1 Section 1. Section 354.23, Code 2005, is amended to read
1 2 as follows:
1 3 354.23 VACATION OF STREETS OR OTHER PUBLIC LANDS.
1 4 A city or a county may vacate part of an official plat that
1 5 had been conveyed to the city or county or dedicated to the
1 6 public which is deemed by the governing body to be of no
1 7 benefit to the public. A city may deem a park to be of no
1 8 benefit to the public if the city finds that the park has been
1 9 abandoned, or has become unsuitable or inadequate for the
1 10 purpose for which the park was dedicated or gifted.

1 11 The city or county shall vacate by resolution following a
1 12 public hearing or by ordinance and the vacating instrument
1 13 shall be recorded. The city or county may convey the vacated
1 14 property by deed or may convey the property to adjoining
1 15 proprietors through the vacation instrument. If the vacating
1 16 instrument is used to convey property then the instrument
1 17 shall include a list of adjoining proprietors to whom the
1 18 vacated property is being conveyed along with the
1 19 corresponding description of each parcel being conveyed. A
1 20 recorded vacation instrument which conforms to this section is
1 21 equivalent to a deed of conveyance and the instrument shall be
1 22 filed and indexed as a conveyance by the recorder and auditor.

1 23 A vacation instrument recorded pursuant to this section
1 24 shall not operate to annul any part of an official plat except
1 25 as provided for in section 354.22.

1 26 Sec. 2. NEW SECTION. 364.7A SALE OF PARK LAND.

1 27 1. Pursuant to section 354.23 and subject to the procedure
1 28 in section 364.7, a city may sell land that the city has
1 29 received for park purposes by gift or dedication as a result
1 30 of a residential subdivision, residential site plan,
1 31 residential planned unit development, conditional residential
1 32 use plan, or residential zoning action. However, the city
1 33 shall comply with any trust or restriction as to the
1 34 disposition of such land contained in the gift or dedication
1 35 except that any such restriction may be reformed if the city
2 1 makes a finding of no benefit pursuant to section 354.23 and
2 2 any proceeds of sale are used only as provided in this
2 3 section. The proceeds of such sale shall be deposited in a
2 4 separate fund to be used only for the following park capital
2 5 costs:

2 6 a. Land acquisition.

2 7 b. Construction of park improvements, including costs of
2 8 grading, seeding, planting, roads, trails, parking lots,
2 9 shelters, sidewalks, courts, permanent playgrounds, sport and
2 10 recreational installations, and restroom and related
2 11 facilities.

2 12 c. Necessary and reasonable legal, engineering, design,
2 13 and other professional fees directly related to expenditures
2 14 under paragraphs "a" and "b".

2 15 Park capital costs do not include the cost for recreational
2 16 and sport equipment, the cost for maintenance, repair, and

2 17 upkeep of park improvements as described under paragraph "b",
2 18 salaries of city employees, or other costs of park operation.
2 19 2. a. A city with a population of twenty thousand or less
2 20 may expend the proceeds for park capital costs anywhere within
2 21 the city.
2 22 b. A city with a population greater than twenty thousand
2 23 shall, prior to selling park land under this section, adopt a
2 24 plan dividing the city into two or more local park districts.
2 25 Each local park district shall have a population of no less
2 26 than eight thousand and no more than twenty-four thousand.
2 27 The city shall expend the proceeds for park capital costs only
2 28 in the local park district in which the land was sold.
2 29 c. All of the proceeds received from such sale of park
2 30 land shall be expended within eight years of receipt.

2 31 EXPLANATION

2 32 This bill authorizes cities to sell land that the city has
2 33 received by dedication or gift to be used for park purposes.
2 34 The city must, however, comply with any trust or restriction
2 35 as to the disposition of such land contained in the gift or
3 1 dedication except that any such restriction may be reformed.
3 2 The bill provides that before a city may dispose of a park,
3 3 the city must make findings relating to public benefit. The
3 4 city may sell the park provided that the proceeds of the sale
3 5 are expended on "park capital costs" which include the
3 6 acquisition of land, construction of park improvements, and
3 7 payment of professional fees.

3 8 The bill provides that a city with a population of 20,000
3 9 or less may use the proceeds anywhere in the city. However, a
3 10 city with a population greater than 20,000 shall establish
3 11 local park districts. Proceeds from a sale of park land
3 12 within a local park district shall be expended within such
3 13 district.

3 14 LSB 2793SC 81

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